

**REMARKS**

The applicants respectfully request withdrawal of the final action, in view of the Advisory Action identified above.

The undersigned thanks Examiner Beamer for the telephone discussions conducted on October 5, 2005 and the voicemail message from the Examiner to the undersigned on October 10, 2005. The present response is submitted based on those discussions.

The Advisory Action states that the applicants' reply filed August 24, 2005 was not entered because it fails to place the case in condition for allowance. That statement identifies another application (09/740,372 filed December 19, 2000) said to contain similar subject matter and having at least one common assignee with the present application.

The Advisory Action does not include an explicit statement that claims in the present application are rejected based on double patenting over the '372 application. However, the Advisory Action contains the first mention of the '372 application in the prosecution of the present application, and the statement regarding similar subject matter implies that the '372 application presents a double-patenting issue. Accordingly, the applicants respectfully submit that the Advisory Action is improper as raising the new issue of a double-patenting rejection based on the '372 application.

In view of the foregoing, the applicants request the Office to withdraw the finality of the Office action dated July 26, 2005, and to issue a new Office action presenting any double-patenting rejection relating to the '372 application as the examiner deems appropriate.

S/N 09/740,414

Respectfully submitted,

MERCHANT & GOULD

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Roger T. Frost  
Reg. No. 22,176

Merchant & Gould, LLC  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
Telephone: 404.954.5100

